

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF MISSISSIPPI,

Defendants.

CIVIL ACTION NO.
3:16-CV-00622-CWR-FKB

**UNOPPOSED MOTION TO AMEND PROTECTIVE ORDER
REGARDING HEALTH INFORMATION**

The United States respectfully requests that this Court enter the proposed Amended Protective Order Regarding Health Information (the “Amended PHI Protective Order”) attached as Exhibit 1. In support of its Motion the United States states the following:

1. The Court granted the United States’ unopposed Motion (ECF No. 17) for entry of the Protective Order Regarding Health Information (“PHI Protective Order”) on November 17, 2016. ECF No. 18.
2. Certain third-party covered entities, as defined in 45 C.F.R. § 160.103, desire modifications to the PHI Protective Order to make clear its applicability to the production of un-redacted Confidential Information, as defined in the proposed Amended PHI Protective Order, by the covered entities.
3. The Amended PHI Protective Order clarifies the applicability of the Amended PHI Protective Order to the production of un-redacted Confidential Information by the covered entities.

4. The Amended PHI Protective Order further authorizes the disclosure, under the same limited terms and subject to the same protections, of confidential substance use disorder patient records pursuant to 42 C.F.R. §2.66. The United States asserts that these records are relevant to the claim it has asserted in this action. Disclosure of such records pursuant to a court order is the most effective way of obtaining the information related to hundreds of individuals, and the public interest in enforcing the civil rights of individuals with mental illness outweighs any potential injury to the individual, the physician-patient relationship and the treatment services.

5. Attached as Exhibit 2 to this Motion is a redline comparison of the PHI Protective Order and the proposed Amended PHI Protective Order.

6. The State of Mississippi does not oppose the United States' Motion. Because the Motion is unopposed, the United States requests that the requirement of a separate Memorandum be waived.

RELIEF REQUESTED

The United States respectfully requests that the Court enter the Amended PHI Protective Order attached as Exhibit 1.

Dated: February 16, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2018, I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Mathew Schutzer
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